Public (General A) (195 48) Department

MS SERIES.

G.O. No. 528

Dated 4-3-1948

[Despatch Abstract.]

MILITARY - Use in aid of Civil Power - Incidence of cost of claims on account of Negligence or wrongful acts of troops - Debit to Provincial Governments - Procedure - Government of India's Instructions - Communicated.

GOVERNMENT OF MADRAS.
Abstract.

ILITARY - Use in aid of Civil Power - Incidence of cost of laims on account of negligence or wrongful acts of troops - ebit to Provincial Governments. Procedure - Government of India's nstruction communicated.

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Public (General - A) Department.

. O. MS. NO. 528. Dated 4th March 1948.

Read the following:

G.O.Ms.1992, Public (General-A) dated 28-6-1947.
From the Government of India, Ministry of Defence, (Army Branch, letter No.03317/P.S.3 (b) dated 6-2-1948.

O R D E R:

Communicated to all District Magistrates, the Commissioner of Police, Madras and the Accountant General, Madras in continuation of G.O.Ms.1992, Public (General-A) dated 28-6-1947.

/By Order of His Excellency the Governor/

Sd. K. RAMUNNI MENON,
Chief Secretary to Government.

To all District Magistrates.
To the Commissioner of Police, Madras.
To the Accountant General, Madras.
Copy to the Inspector General of Police, Madras.
Copy to all the District Superintendents of Police..
Copy to the Board of Revenue.
Copy to the Commissioner for Workmen's Compensation Act, Chepauk, Madras.
Copy to Public (Military) Department.
Copy to all Departments of the Secretariat.

/True Copy/

Office Assistant,
MADRAS RECORD OFFICE.

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Regr.No.727-A/D.5.

No.01317/P.S.3 (b)
Government of India,
Ministry of Defence (Army Branch),
New Delhi, the 6th February 1948.

To

The Chief Secretary to the Government of Madras.

Sub: Incidence of cost of claims arising out of negligence or other wrongful acts of troops employed in aid of the Civil Powers.

Sir,

I am directed to refer to late Defence Department (Army Branch) letter No. Claims /Ind/48, dated the 30th May 1947, on the above subject and to say that in view of the liability of Provincial Governments and Civil Departments in this matter the question has been raised whether they should not have a voice in the scrutiny of the claims and in determining the amount of compensation. It has accordingly been decided that all claims for compensation in respect of negligence or other wrongful acts of troops lent in aid of the Civil Power should be referred to the Provincial Government Civil Department concerned. The Government of India have in their letter No.01312/1/P.S.3 (b), dated the 1st December 1947 (copy enclosed delegated to local commanders power to settle claims within certain limits. In such cases, the case will be examined by the local commander and will then be referred to the Provincial/Civil Department concerned for concurrence. Other claims will be referred to them by this Ministry before according sanction.

2. A copy of the instructions which are being issued in this respect by Army Headquarters (India) is enclosed.

Sd. P.V.R. Rao,
JOINT SECRETARY TO THE GOVERNMENT OF INDIA.

Regr. No.9869-A/D.5.

No.01312/1/P.S.3 (b)
Government of India,
Ministry of Defence (Army Branch),
New Delhi, the 1st December 1947.

To

The Adjutant General (India).

Delegation of powers to local commanders to grant compensation in respect of loss of life or injury, of damage to private property caused by members of the military forces.

/3.

Sir,

I am directed to say that the Government of India have decided that the authorities shown below will be empowered to settle civil compensation claims, upto the amounts indicated against them originating on or after the 15th August, 1947, in respect of loss of life or injury, or damage to private property (including property of Provincial Governments, Indian States, etc. mentioned in para 5 below) arising out of traffic accidents or occurrences in the nature of civil wrongs caused by members of the military forces. These claims will continue to be dealt with in acordance with the instructions contained in "Manual of Instructions for Officers of the Claims Commission (India)" save where are clearly not applicable.

(a) G.Os. - in - C. Commands.	Rs.1,00/- in each individual claim with a maximum of Rs.10,000/- on any one accident.
(b) Divisional Commanders, and Area Commanders of and above the rank of Major-General.	Rs.500 in each individual claim with a maximum of Rs.5,000/- in any one accident.
(c) Area Commanders (if below the rank of Major General, Sub-Area Commanders and Administrative Commandents, Class I and II.	Rs.250/- in each individual claim with a maximum of Rs.2,500 in any one accident.

2. Compensation in such cases is to offered "without prejudice" and purely as an act of grace, as Government cannot be held liable for damages if the object that caused the damage of injuries, is maintained by Government in the exercise of their Sovereign rights. Each case will, therefore be considered on its merits.

3. A statement showing the following particulars will be submitted in the usual way to you at the close of each financial year:-

(i) List of cases and amount of compensation claimed in each case.
(ii) Total amount of compensation granted.
(iii) Whether a civil suit was filed by any of the claimants and if so, with what result.

4. Proposals to settle claims in excess of the limits laid down in Paragraph 1 (a) above will be submitted to you through the Controller of Military Accounts concerned for the orders of the Government of India.Each case will be accompanied by a full report, a copy of the proceedings of the Court of Enquiry held to investigate the matter and recommendation as to the amount of compensation to be offered. It should also be stated in each case whether any insurance Company is concerned.

5. No compensation will be offered where the claimants are Departments of the Government of India. Claims by Provincial Governments, Indian States, Semi.Government bodies, Corporations, etc., may, however, be considered on their merits, by the authorities stated in paragraphs 1 and 4 above, as the case may be. Any case of difference of opinion between the Indian States and the authorities mentioned in para 1 above will be referred to the Government of India.

6. The expenditure involved will be debited to Main Head 7-D - Miscellaneous - 7. other miscellaneous expenses of the Defence Services - Estimates.

Sd. K.C. Jain,
Assistant Secretary to the Government of India.

No.01317/P.S.3 (b).
ARMY HEADQUARTERS (INDIA),
Adjutant General's Branch, P.S.3 (b)
New Delhi, the 6th February 1948.

To

HQ Easter Command,
HQ Southern Command,
HQ DEP Command.

Sub: Incidence of cost of claims arising out of negligence or other wrongful acts of troops employed in aid of the Civil Powers.

Reference the attached copies of late Defence Department (Army Branch) letter No. Claims 4IND/48 dated the 30th May 1947 the Ministry of Defence letter No.01317/P.S.3 (b) dated on the above subject.

Formation HQrs will obtain ther prior concurrence of the Provincial Government or Civil Department concerned before settling claims which they are competent to decide under Ministry of Defence (Army Branch) letter No. 01312/1/P.S.3(b) dated the 1st December 1947. Claims which fall to be dealt with by the Central Government will be referred to Provincial Government or Civil Department concerned by the Ministry of Defence.

Adjutant General, India.

Sd. x x x
Superintendent.

/True Copy/

Office Assistant,
MADRAS RECORD OFFICE.

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